

By: Landgraf

H.B. No. 2301

A BILL TO BE ENTITLED

AN ACT

relating to the operation of personal delivery and mobile carrying devices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 502.001(26), Transportation Code, is amended to read as follows:

(26) "Motorized mobility device" has the meaning assigned by Section 552A.0101 [~~542.009~~].

SECTION 2. Subtitle C, Title 7, Transportation Code, is amended by adding Chapter 552A to read as follows:

CHAPTER 552A. DEVICES SUBJECT TO PEDESTRIAN LAWS

SUBCHAPTER A. PERSONAL DELIVERY AND MOBILE CARRYING DEVICES

Sec. 552A.0001. DEFINITIONS. In this subchapter:

(1) "Agent" has the meaning assigned by Section 7.21, Penal Code.

(2) "Business entity" means a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit.

(3) "Mobile carrying device" means an electrically powered device that:

(A) transports cargo while remaining within 25 feet of a human operator; and

(B) is equipped with technology that allows the operator to actively monitor the device.

1 (4) "Pedestrian area" includes a sidewalk, crosswalk,
2 school crosswalk, school crossing zone, or safety zone.

3 (5) "Personal delivery device" means an electrically
4 powered device that:

5 (A) is designed primarily for transporting cargo
6 in a pedestrian area; and

7 (B) is equipped with automated driving
8 technology, including software and hardware, that enables the
9 operation of the device with the remote support and supervision of a
10 human.

11 Sec. 552A.0002. APPLICABLE LAW. (a) The operation of a
12 personal delivery or mobile carrying device in a pedestrian area is
13 governed exclusively by:

14 (1) this subchapter; and

15 (2) any applicable regulations adopted by a local
16 authority.

17 (b) For the purposes of this title, including Section
18 545.422, a personal delivery or mobile carrying device operated in
19 compliance with this subchapter is not considered to be a vehicle.

20 Sec. 552A.0003. OPERATOR OF PERSONAL DELIVERY DEVICE. (a)
21 A person may operate a personal delivery device under this
22 subchapter only if:

23 (1) the person is a business entity; and

24 (2) a human who is an agent of the business entity
25 actively monitors or exercises physical control over the navigation
26 and operation of the device.

27 (b) Except as provided by Subsection (c), when a personal

1 delivery device operated by a business entity is engaged, the
2 business entity is considered to be the operator of the device
3 solely for the purpose of assessing compliance with applicable
4 traffic laws.

5 (c) When a personal delivery device operated by a business
6 entity is engaged and an agent of the entity controls the device in
7 a manner that is outside the scope of the agent's office or
8 employment, the agent is considered to be the operator of the
9 device.

10 (d) A person is not considered to be the operator of a
11 personal delivery device solely because the person:

12 (1) requests a delivery or service provided by the
13 device; or

14 (2) dispatches the device.

15 Sec. 552A.0004. OPERATOR OF MOBILE CARRYING DEVICE. A
16 person operating a mobile carrying device is considered to be the
17 operator of the device for the purpose of assessing compliance with
18 applicable traffic laws.

19 Sec. 552A.0005. DEVICE OPERATION. (a) A personal delivery
20 or mobile carrying device operated under this subchapter must:

21 (1) operate in a manner that complies with the
22 provisions of this subtitle applicable to pedestrians, unless the
23 provision cannot by its nature apply to the device;

24 (2) yield the right-of-way to all other traffic,
25 including pedestrians;

26 (3) not unreasonably interfere with other traffic,
27 including pedestrians;

1 (4) if operated at nighttime, display the lights
2 required by Section 552A.0007 or 552A.0008, as applicable;

3 (5) comply with any applicable regulations adopted by
4 a local authority;

5 (6) not transport hazardous materials regulated under
6 the Hazardous Materials Transportation Act (49 U.S.C. Section 5101
7 et seq.); and

8 (7) be actively monitored or controlled as provided by
9 Section 552A.0003(a) for a personal delivery device or by the
10 operator for a mobile carrying device.

11 (b) A mobile carrying device operated under this subchapter
12 must remain within 25 feet of the operator while the device is in
13 motion.

14 Sec. 552A.0006. AREAS OF OPERATION. A personal delivery or
15 mobile carrying device operated under this subchapter may be
16 operated only:

17 (1) in a pedestrian area; or

18 (2) on a highway in an area that is not a pedestrian
19 area:

20 (A) if a sidewalk is not provided or is not
21 accessible; and

22 (B) on the left side of a roadway or the shoulder
23 of the highway facing oncoming traffic.

24 Sec. 552A.0007. PERSONAL DELIVERY DEVICE EQUIPMENT. (a) A
25 personal delivery device operated under this subchapter must:

26 (1) be equipped with a marker that clearly states the
27 name and contact information of the owner and a unique

1 identification number;

2 (2) be equipped with a braking system that enables the
3 device to come to a controlled stop;

4 (3) weigh less than 110 pounds, excluding any cargo;
5 and

6 (4) have a maximum speed of 12 miles per hour or less.

7 (b) A personal delivery device operated under this
8 subchapter at nighttime must be equipped with lights on the front
9 and rear of the device that are visible and recognizable under
10 normal atmospheric conditions on all sides of the device from 1 to
11 500 feet from the device when the light is directly in front of
12 lawful lower beams of headlamps.

13 Sec. 552A.0008. MOBILE CARRYING DEVICE EQUIPMENT. (a) A
14 mobile carrying device operated under this subchapter must:

15 (1) be equipped with a braking system that enables the
16 device to come to a controlled stop;

17 (2) weigh less than 110 pounds, excluding any cargo;
18 and

19 (3) have a maximum speed of 12 miles per hour or less.

20 (b) A mobile carrying device operated under this subchapter
21 at nighttime must be equipped with lights that are visible and
22 recognizable under normal atmospheric conditions from 1 to 50 feet
23 from the device when the light is directly in front of lawful lower
24 beams of headlamps.

25 Sec. 552A.0009. LOCAL AUTHORITY REGULATION. (a) A local
26 authority may regulate the operation of a personal delivery or
27 mobile carrying device on a highway or in a pedestrian area in a

1 manner not inconsistent with this subchapter.

2 (b) This section does not affect the authority of a local
3 authority's peace officers to enforce the laws of this state
4 relating to the operation of a personal delivery or mobile carrying
5 device.

6 Sec. 552A.0010. INSURANCE. A business entity that operates
7 a personal delivery device operated under this subchapter must
8 maintain an insurance policy that includes general liability
9 coverage of not less than \$100,000 for damages arising from the
10 operation of the device.

11 SECTION 3. Chapter 552A, Transportation Code, as added by
12 this Act, is amended by adding Subchapter B, and a heading is added
13 to that subchapter to read as follows:

14 SUBCHAPTER B. MOBILITY DEVICES

15 SECTION 4. Section [542.009](#), Transportation Code, is
16 transferred to Subchapter B, Chapter 552A, Transportation Code, as
17 added by this Act, and redesignated as Section 552A.0101,
18 Transportation Code, to read as follows:

19 Sec. 552A.0101 [~~542.009~~]. OPERATORS OF CERTAIN MOBILITY
20 DEVICES. (a) In this section, "motorized mobility device" means a
21 device designed for transportation of persons with physical
22 disabilities that:

- 23 (1) has three or more wheels;
- 24 (2) is propelled by a battery-powered motor;
- 25 (3) has not more than one forward gear; and
- 26 (4) is not capable of speeds exceeding eight miles per
27 hour.

1 (b) For the purposes of this subtitle, a person operating a
2 nonmotorized wheelchair or motorized mobility device is considered
3 to be a pedestrian.

4 SECTION 5. Section 551.351(2), Transportation Code, is
5 amended to read as follows:

6 (2) "Pocket bike or minimotorbike" means a
7 self-propelled vehicle that is equipped with an electric motor or
8 internal combustion engine having a piston displacement of less
9 than 50 cubic centimeters, is designed to propel itself with not
10 more than two wheels in contact with the ground, has a seat or
11 saddle for the use of the operator, is not designed for use on a
12 highway, and is ineligible for a certificate of title under Chapter
13 501. The term does not include:

14 (A) a moped or motorcycle;

15 (B) an electric bicycle or motor-driven cycle, as
16 defined by Section 541.201;

17 (C) a motorized mobility device, as defined by
18 Section 552A.0101 [~~542.009~~];

19 (D) an electric personal assistive mobility
20 device, as defined by Section 551.201; or

21 (E) a neighborhood electric vehicle, as defined
22 by Section 551.301.

23 SECTION 6. This Act takes effect September 1, 2019.